

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Dana Corporation, Perfect Circle Division
Mailing Address: P.O. Box 486, Franklin, KY 42135-0486

Source Name: Same as above.
Mailing Address: Same as above.

Source Location: 721 Blackjack Road, Franklin, Kentucky

Permit Type: Federally-Enforceable
Review Type: Title V

Permit Number: V-99-025
Log Number: F897
Application
Complete Date: January 26, 1999

KYEIS ID #: 105-3740-0009
AFS Plant ID #: 21-213-00009
SIC Code: 3714

Region: South Central
County: Simpson

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on January 26, 1999, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group Requirements: Group 1

EP	Company No.	Process Description	Type of Control	Operating Limit - lb/hr (TPY)	Date Commenced
09	5	Automatic Finish Turn Lathe	Filter	None	9-1-79
12	8	Tin Plate Line – Electroclean Tank	None	None	1-9-86
13	8	Tin Plate Line	None	None	1-9-86
14	10	Seal Plate Line – Electroclean Tank	None	None	1-9-86
15	10	Seal Plate Line	None	None	1-9-86
16	9	Rust Inhibitor Tank	None	None	1-9-86
17	6	Machining	Filter	None	7-10-92
18	6	Machining	Filter	None	1-6-87
19	6	Machining	Filter	None	1-6-87
20	6	Machining	Filter	None	1-1-89
21	6	Machining	Filter	None	1-1-89

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations

1. Operating Limitations:

None.

2. Emission Limitations:

- Visible emissions shall not equal or exceed 20 percent opacity, as determined by using Reference Method 9, Appendix A, 40 CFR 60.
- Hourly particulate emissions for each emission point as measured by Reference Method 5, Appendix A, 40 CFR 60, averaged over three hours shall not exceed the limit calculated by the following formula.

$$E = 3.59 P^{0.62}$$

Where P is the process weight (total weight of all materials introduced into any emission unit which may cause the emissions of particulate matter) in tons/hour. If the process weight for a particular emission point equals or is less than 0.5 ton/hour, the particulate matter emission limitation shall be 2.34 lbs/hr.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Compliance Demonstration: To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the amount and type of process weight added to each emissions unit. The 3-hour average process weight shall be equal to the average hourly tons added to each emission unit averaged over 24 hours. Particulate emissions shall be calculated as follows:

$$PE = PW \times PEF$$

Where PE = Particulate emissions in lbs/hr, PW = process weight in tons/hr and PEF = EIS particulate emission factor in lbs/ton of process weight.

3. **Testing Requirements:**
None.

4. **Specific Monitoring Requirements:**
To provide reasonable assurance that the visible emission limitations are being met the permittee shall:
- i) Determine the opacity of emissions during operation from each stack or vent by Reference Method 9 quarterly, or more frequently if requested by the Division.
 - ii) Perform a qualitative visual observation of the opacity of emissions from each stack/vent on a daily basis and maintain a log of the observation. The log shall note:
 - 1) whether any air emissions (except for water vapor) were visible from the vent/stack,
 - 2) all emission points from which visible emissions occurred, and
 - 3) whether the visible emissions were normal for the process.
 - iii) Determine the opacity of emissions by Reference Method 9 if qualitative visible emissions from any stack/vent is perceived or believed to exceed the applicable standard.

5. **Specific Record Keeping Requirements:**
Records shall be maintained of the visual observations, quarterly Reference Method 9 tests, and the amount of process weight added to each emissions unit.

6. **Specific Reporting Requirements:**
Any exceedance over the opacity or particulate emission limits as stated in this permit shall be reported to the Division as specified in Section F.6.b. Following an exceedance, the permittee shall continue to submit, for a period of 2 months, the daily visible emission readings and the monthly average process weight rates of this emission point, within 30 days of the end of each month. The company shall certify to the Division, annually, whether a daily visible emission survey was conducted for this emission point, and whether the emission point was in compliance with the applicable opacity requirements.

7. **Specific Control Equipment Operating Conditions:**
The fabric filters shall be operated and maintained according to manufacturer's specifications.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**Group Requirements: Group 2**

EP	Company No.	Process Description	Type of Control	Operating Limit - lb/hr (TPY)	Date Commenced
01	5	Machining	Filter	None	5-3-72
02	5	Machining	Filter	None	5-3-72
03	5	Machining	Filter	None	5-3-72
04	5	Machining	Filter	None	5-3-72
05	5	Machining	Filter	None	5-3-72
10	9	Rust Strip Tanks	None	None	11-10-72
11	7	Granoseal Tanks	None	None	11-10-72
22	2	Welding Hood	None	None	10-11-72

APPLICABLE REGULATIONS:

401 KAR 61:020, Existing process operations

1. Operating Limitations:

None.

2. Emission Limitations:

Pursuant to Regulation 401 KAR 61:020:

- a) Visible emissions from each emission point listed in the above table shall not equal or exceed 40 percent opacity, as determined with Reference Method 9, Appendix A, 40 CFR 60.
- b) Hourly particulate emissions from each emission point listed in the above table as measured by Reference Method 5, Appendix A, 40 CFR 60, averaged over three hours shall not exceed each individual PM emission rate limit calculated by the following formula, unless otherwise specified.

$$E = 4.10 P^{0.67}$$

Where P is the process weight (total weight of all materials introduced into any emission unit which may cause the emissions of particulate matter) in tons/hour. If the process weight equals or is less than 0.5 ton/hour, then the particulate matter emission rate shall not exceed 2.58 lbs/hr or exceed the combined particulate emission limits.

Compliance Demonstration: To provide reasonable assurance that the particulate matter emission limitations (TSP and PM₁₀) are being met, the permittee shall monitor the amounts and types of process weights added to each emissions unit. The process weight shall be determined as the average hourly tons added to the emission unit averaged over a one-month period.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Average particulate emissions shall be calculated as follows:

$$PE = (PW \times PEF)$$

Where PE = Particulate emissions in lbs./hr, PW = process weight in tons/hr, and PEF = particulate emission factor in lbs./ton of process weight.

- c) For emission units with control devices as listed in the table, the permittee shall operate and maintain in accordance with the manufacturer's specifications and/or standard operation practices.
- d) Throughput limits shall be monitored to ensure compliance with the emission limitations calculated above.

3. Testing Requirements:

None.

4. Specific Monitoring Requirements:

To provide reasonable assurance that the visible emission limitations are being met the permittee shall:

- i) Perform a quarterly opacity reading, or more frequent if requested by the Division, from each stack or vent using Reference Method 9. Opacity readings shall be conducted while the emission units are in operation.
- ii) Perform a daily qualitative visual observation of the opacity of emissions from each stack/vent and maintain a log of the observation. The log shall note:
 - 1) Whether any air emissions (except for water vapor) were visible from the vent/stack,
 - 2) All emission points from which visible emissions occurred, and
 - 3) Whether the visible emissions were normal for the process.
- iii) Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent is perceived or believed to exceed the applicable standard.

5. Specific Record Keeping Requirements:

Records shall be maintained of the daily, qualitative and quarterly Reference Method 9 opacity readings and the amount of process weight processed by each emissions unit. These records shall be maintained for 5 years and made available for review upon request. Records shall be maintained of the appropriate throughputs for the units in the above table.

6. Specific Reporting Requirements:

Any exceedance of the opacity or particulate matter emission limitations as stated in this permit shall be reported to the Division as specified in Section F (6). The company shall also certify to the Division, annually, that a daily visible emission survey is conducted and the specified records are being kept for these emission points.

7. Specific Control Equipment Operating Conditions:

The fabric filters shall be operated and maintained according to manufacturer's specifications.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**Group Requirements: Group 3**

EP	Company No.	Process Description	Type of Control	Operating Limit - lb/hr (TPY)	Date Commenced
06	3	Open Top Vapor Degreaser with Trichloroethylene	None	None	2-3-72
07	4	Open Top Vapor Degreaser with Trichloroethylene	None	None	5-3-72

APPLICABLE REGULATIONS:

401 KAR 63:460, National emission standards for halogenated solvent cleaning

1. Operating Limitations:

Pursuant to 40 CFR 63, Subpart T, the permittee shall ensure that each of the above cleaning machines conforms to the following design requirements.

- a. Maintain an idling or downtime mode cover that may be readily opened or closed, that completely covers the cleaning machine openings when in place, and is free of cracks, holes, or other defects. The cover may be off during maintenance, monitoring, or when the solvent has been removed.
- b. Each cleaning machine shall have a freeboard ratio of 0.75 or greater.
- c. Each cleaning machine shall have an automated parts handling system capable of moving parts or parts basket at a speed of 3.4 meters per minute (11 feet per minute) or less from the initial loading of parts through removal of clean parts. The moving parts or parts basket shall not occupy more than 50 percent of the solvent/air interface area.
- d. Each vapor-cleaning machine shall be equipped with a device that shuts off sump heat if the sump liquid solvent level drops to the sump heater coils.
- e. Each vapor-cleaning machine shall be equipped with a vapor level control device that shuts off sump heat if the vapor level rises above the height of the primary condenser.
- f. Each vapor-cleaning machine shall have a primary condenser, which shall be turned on before the sump heater during startup. The primary condenser may not be shut off during shutdown until after the sump heater has been turned off and the solvent vapor layer allowed to condense.
- g. Each cleaning machine that uses a lip exhaust shall be designed and operated to route all collected solvent vapors through a properly operated and maintained carbon adsorber that meets the requirements of 40 CFR 63, Subpart T, condition 63.463(e)(2)(vii).
- h. Parts shall be oriented so that the solvent drains from them freely. Parts having cavities or blind holes shall be tipped or rotated before being removed from any solvent cleaning machine unless an equally effective approach has been approved by the administration.
- i. Parts baskets or parts shall not be removed from any solvent-cleaning machine until dripping has stopped.
- j. The solvent shall be transferred to and from the solvent cleaning machine using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**1. Operating Limitations (cont.):**

- k. The solvent cleaning machine shall be operated according to manufacturer's specifications and all operators must complete and pass the applicable sections of the test of solvent cleaning operating procedures in 40 CFR 63, Subpart T, Appendix B.
- l. Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers .
- m. Any spraying operations shall be done within the vapor zone or within a section of the solvent cleaning machine that is not directly exposed to the ambient air.
- n. No sponges, fabric, wood, or paper shall be cleaned in the solvent-cleaning machine.

2. Emission Limitations:

Not applicable.

3. Testing Requirements:

Determine the potential to emit from all solvent cleaning operations, using the following procedures. A facility's total potential to emit is the sum of the hazardous air pollutant (HAP) emissions from all solvent cleaning operations, plus all HAP emissions from other sources within the facility.

- a. Determine the potential to emit for each individual solvent cleaning using the following equation.

$$PTE_i = H_i \times W_i \times SAI_i$$

Where PTE_i = potential to emit for solvent cleaning machine i (kilograms of solvent per year), H_i = hours of operation for solvent cleaning machine i (hours per year),

W_i = working mode uncontrolled emission rate (kilograms per square meter per hour), and SAI_i = solvent/air interface area of solvent cleaning machine i (square meters). 40 CFR 63, Subpart T, condition 63.461 defines the solvent/air interface area for those machines that have a solvent/air interface.

- b. Sum the PTE_i for all solvent cleaning operations to obtain the total potential to emit for solvent cleaning operations at the facility.

4. Specific Monitoring Requirements:

The permittee shall perform the following inspections on the solvent-cleaning machine.

- a. Monitor the refrigeration device by measuring the temperature of the center of the chilled air blanket with a thermometer or thermocouple during the idling mode to ensure it is no greater than 30 percent of the solvent's boiling point.
- b. Perform monthly visual inspections of the working-mode cover for the solvent cleaning machine to ensure the cover is opening and closing properly, completely covers the machine openings when closed, and is free of cracks, holes, and other defects.
- c. Determine any exceedances that occurred for the refrigeration device and the working-mode cover and correct within 15 days of detection. Adjustments shall be made to the solvent-cleaning system or control to reestablish compliance. The parameter must be re-measured immediately upon adjustment and demonstrated to be within required limits.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**4. Specific Monitoring Requirements (cont.):**

- d. Determine the hoist speed by measuring the time it takes for the hoist to travel a measured distance. The speed is equal to the distance in meters divided by the time in minutes. The hoist speed shall be measured quarterly.
- e. Hoist speed shall not exceed a speed of 3.4 meters per minute (11 feet per minute). An exceedance shall require monitoring to increase to a monthly basis for a period of 12 months after compliance without an exceedance is demonstrated.

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain the following records for the lifetime of the solvent-cleaning machine.
 - 1. Owners manuals, or if not available, written maintenance and operating procedures, for the solvent cleaning machine and control equipment.
 - 2. The date of installation for the solvent cleaning machine and all of its control devices.
 - 3. The halogenated HAP solvent content for each solvent used in the solvent-cleaning machine.
- b. The permittee shall maintain the following records for a period of five years.
 - 1. The results of all control device monitoring.
 - 2. Information on the actions taken to comply with the control device monitoring parameters.
 - 3. Estimate the annual solvent consumption for each solvent cleaning machine.

6. Specific Reporting Requirements:

- a. The permittee shall submit annual reports by February 1 following the reported year and shall include the following.
 - 1. A signed statement from the facility owner or a designee stating that, "All operators of solvent cleaning machines have received training on the proper operation of solvent cleaning machines and their control devices sufficient to pass the test required in 40 CFR 63, Subpart T, condition 63.460(d)(10).
 - 2. An estimate of solvent consumption for each solvent cleaning machine.
- b. The permittee shall submit an exceedance report to the Division semiannually, except when an exceedance occurs. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. The exceedance report shall include the following applicable information.
 - 1. Information on the actions taken to comply with the control device monitoring parameters. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to required limits.
 - 2. If an exceedance has occurred, the reason for the exceedance and a description of the actions taken. If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

7. Specific Control Equipment Operating Conditions:

- a. The refrigeration device shall be operated so that the temperature of the center of the chilled air blanket measured with a thermometer or thermocouple during the idling mode does not exceed greater than 30 percent of the solvent's boiling point.
- b. The working-mode cover for the solvent cleaning machine shall be operated so that the cover is opening and closing properly, completely covers the machine openings when closed, and is free of cracks, holes, and other defects.
- c. The freeboard ratio for the solvent cleaning machine shall not exceed 1.0.
- d. Hoist speed shall not exceed a speed of 3.4 meters per minute (11 feet per minute).

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Tool Room Grinder	401 KAR 59:010
2.	Tool Room Grinder	401 KAR 59:010
3.	Boiler rated at 3.347 mmBTU/hr (EP# 08 (01))	401 KAR 59:015

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

PM emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit shall be reported to the Division's Bowling Green Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Bowling Green Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Bowling Green Regional Office within 3 days. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Bowling Green Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W
Owensboro, KY 42303**

**U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960**

**Division for Air Quality
File Room
803 Schenkel Lane
Frankfort, KY 40601**

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.
6. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]

SECTION G - GENERAL CONDITIONS (CONTINUED)

7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.
- (b) Permit Expiration and Reapplication Requirements
This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035, Permits, Section 12]

SECTION G - GENERAL CONDITIONS (CONTINUED)**(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

SECTION G - GENERAL CONDITIONS (CONTINUED)**(f) Risk Management Provisions**

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
 - a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
 - b. Submit additional relevant information if requested by the Division or the U.S. EPA.
 - c. The Risk Management Plan must be submitted on diskette to:

RMP Planing Center
P.O. Box 3346
Merrifield, VA 22116-3346

Sources without computers can get an "electronic waiver" from EPA and submit a Risk Management Plan on paper.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.